

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAKE CHARLES DIVISION**

|                               |          |  |
|-------------------------------|----------|--|
| <b>MICHAEL MARLIN</b>         | <b>:</b> | <b>DOCKET NO. 2:05-cv-2172</b><br><b>Section P</b> |
| <b>VS.</b>                    | <b>:</b> | <b>JUDGE TRIMBLE</b>                               |
| <b>JOEL ALEXANDRE, ET AL.</b> | <b>:</b> | <b>MAGISTRATE JUDGE WILSON</b>                     |

**ORDER**

Currently before the court is a “Motion to Have Legal Postage Ordered to Indigent Plaintiff” [doc. 8] filed by *pro se* plaintiff, Michael Marlin. By this motion, the plaintiff seeks to have the court order the prison officials to provide him with free postage stamps so that he can mail letters to the court and to his family. The plaintiff complains that he is only able to obtain 5 stamps per month from the prison officials and that this limitation interferes with his ability to have access to the court and to communicate with his family.

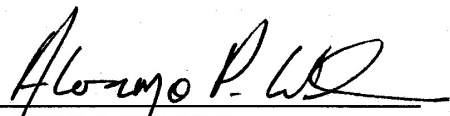
Although prisoners have a right of access to the courts, “[t]he Supreme Court has never held that access to the courts must be free.” *Lewis v. Sullivan*, 279 F.3d 526, 528 (7<sup>th</sup> Cir. 2002). There is no constitutional right entitling prisoners to unlimited free postage for either legal or personal mail. *See Jensen v. Klecker*, 648 F.2d 1179, 1183 (8<sup>th</sup> Cir.1981) (per curiam) (inmates have no right to “unlimited free access to mails”); *Twyman v. Crisp*, 584 F.2d 352, 359 (10<sup>th</sup> Cir.1978) (states not required to pay postage on all legal mail); *Hershberger v. Scaletta*, 33 F.3d 955, 956-57 (8<sup>th</sup> Cir. 1994) (indigent inmates do not have a right to free postage for personal mail); *Kaestel v. Lockhart* 746 F.2d 1323, 1325 (8<sup>th</sup> Cir. 1984); *Shirley v. Dretke*, 2005 WL 1639309 (N.D. Tex. 2005).

To the extent that the plaintiff claims that the denial of free postage in excess of 5 first-class stamps per month has interfered with his right of access to the court, the plaintiff has failed to allege particular facts showing that the denial of the requested postage has actually interfered with his access to the court and that his position as a litigant was prejudiced by the denial of access to the court. *See Lewis v. Casey*, 116 S.Ct. 2174, 2179 (1996). A review of the court's records reveals that the plaintiff currently has two civil rights actions pending in this court, *Marlin v. Alexandre*, 2:05-cv-1947 and *Marlin v. Young*, 2:05-cv-2172, and that he has filed at least 19 pleadings with the court in these two cases since November, 2005. The frequency of the plaintiff's filings belies his contention that his access to court has been impeded.

Accordingly,

IT IS ORDERED that the motion be DENIED.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 3<sup>rd</sup> day of March, 2006.

  
ALONZO P. WILSON  
UNITED STATES MAGISTRATE JUDGE